

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

HAROLD KELLY MURPHY,

Plaintiff,

v.

SOUTHERN ENERGY HOMES, INC.,

et al.,

Defendants.

Case No.: 2:06-cv-618-MEF

MOTION TO ENLARGE TIME

COMES NOW the Defendant, Southern Energy Homes, Inc. ("Southern"), and respectfully moves this Court for an order enlarging time for responding to the Court's show cause order. As grounds therefor, Southern submits the following:

1. In response to Southern's Motion for Judgment on the Pleadings, where Southern maintains all of Plaintiff's claims are preempted, Plaintiff filed a motion for leave to file an amended complaint, ostensibly to plead non-preempted claims.
2. Southern intends to oppose said motion on grounds that pleading is untimely, interposes bad faith and would be futile in any event.
3. Southern requests the additional time to respond for two reasons: (a) the issues are complex and involve issues of preemption (among other complex issues); and (b) one of Southern's defense team, Thomas W. Thagard, III, has been called out-of-town to attend a funeral.

WHEREFORE, PREMISES CONSIDERED, Southern respectfully requests that this Court enlarge its time to respond by seven (7) days.

Respectfully submitted,

/s W. Scott Simpson

W. Scott Simpson, Attorney for Defendant
Southern Energy Homes, Inc.

OF COUNSEL:

RITCHEY & SIMPSON, PLLC
3288 Morgan Drive, Suite 100
Birmingham, Alabama 35216
Telephone: (205) 876-1600
Facsimile: (205) 876-1616
Email: wssimpson@ritcheysimpson.com

Thomas W. Thagard, III
Edward S. Sledge, IV
MAYNARD, COOPER & GALES, P.C.
1901 6th Avenue North, Suite 2400
AmSouth/Harbert Plaza
Birmingham, Alabama 35203-2618
Telephone: (205) 254-1000
Facsimile: (205) 254-1999

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of June, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Charles Lance Gould**
lance.gould@beasleyallen.com holly.stroh@beasleyallen.com
- **Carter Gibson Vance**
gibson.vance@beasleyallen.com heidi.bowers@beasleyallen.com

/s W. Scott Simpson
Of Counsel